

REMARKS

Reconsideration and allowance of the claims in the application are requested.

Applicant's attorney thanks the Examiner for the courtesy of a telephone interview conducted February 4, 2004 at which the Examiner concluded that the limitation "generating, at the first process, a resolution to the request for data received from the second process based on the response to the request for additional information received from the second process" when combined with other limitations in New Claims 61, 62, and 63 "seem to overcome to overcome the prior art of record". However the Examiner issued an Advisory action on February 13, 2004 refusing to enter an Amendment under 37 CFR 1.116 stating "Applicant has introduced new limitations into the claims, thus changing the scope of the invention when reviewed as a whole." Applicant's attorney takes exception to the Examiner's conclusion since the Examiner was aware that New Claims 61, 62 and 63 were rejected independent claims 1, 20 and 39 incorporating selected dependent and no new issues or matter were presented by New Claims 61, 62 and 63. Applicant's attorney presented the New Claims to advance the prosecution of the case in view of the allowance of Claim 60. Applicant's attorney requests reconsideration of the Examiner decision in the Advisory Action of February 13, 2004.

Claims 1-60 are pending in the case. Claim 60 stands allowed. New Claims 61, 62 and 63 are presented for consideration.

Claims 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, 49-54, 58 and 59 have been rejected under 35 U.S.C. §103(a) as unpatentable over Emens 6,493,744 of record.

Claims 3-4, 9-10, 17-19, 22-23, 28-29, 36-38, 41, 42, 47-58, 55-57 have been rejected under 35 U.S.C. §103(a) Emens, of record in view of Russell-Falla 6,266,664, of record.

Claims 7-26 and 45 have been rejected under 35 U.S.C. §103(a) as unpatentable over Emens, of record in view of Tso 6,421,733, of record.

Claims 5, 24 and 43 have been rejected under 35 U.S.C. §103 as unpatentable over Emens in view of Russell, and in further view of Tso, all of record.

Claims 1, 20 and 39 have been cancelled and combined with claims 16, 35 and 54, respectively and reinstated as claims 61, 62 and 63 respectively.

The dependencies of claims 2-19 have been changed to depend upon claim 61.

The dependencies of claims 21-38 have been changed to depend upon claim 62.

The dependencies of claims 40-57 have been changed to depend upon claim 63.

Applicant responds to the rejection in the indicated paragraph of the Office Action, as follows:

REGARDING PARAGRAPH 1:

Applicant notes the Examiner's comment.

REGARDING PARAGRAPH 2:

Claims 1-60 are indicated as rejected under 35 U.S.C. §103(a) as unpatentable over Emens in view of Russell-Falla. Applicant notes in Office Paragraph 9 that claim 60 is allowed.

Applicant requests Paragraph 2 be amended to reflect the allowance of claim 60.

REGARDING PARAGRAPH 3:

Applicant notes the Examiner's comment.

REGARDING PARAGRAPHS 4-6:

Claims 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, 49-54, 58 and 59 include elements not disclosed in Emens, as follows:

A. Claims 1, 20, and 39:

Independent claims 1, 20, and 39 have been canceled and combined with canceled claims 16, 35, 54, respectively as New Claims 60, 61, and 62, respectively.

Emens fails to disclose elements of New Claims 61, 62 and 63, as follows:

(i) "transmitting a request for additional information relating to the request for data from the first process to the second process;"

Emens at column 2, lines 46-49 and 53-56 discloses providing a rating and filtering method that blocks objectionable content and which can be installed on a proxy server or a client server. Applicants can find no disclosure in Emens relating to the client or the server requesting additional information from a requesting application. Emens at Col. 3, Lines 63-67 & Col. 4, Lines 23 -26 describes preset limit in the client or server. There is no disclosure of the

server or client sending a message to the other for additional information. Emens fails to disclose a first process requesting additional information from a requesting second process.

(ii) “generating, at the first process, a resolution to the request for data received from the second process based on the response to the request for additional information received from the second process;”

Emens at column 2, lines 46-49 and 53 – 56 discloses the server or client provide a rating and filtering method for identifying objectionable content in response to a request from a user. Applicants can find no disclosure of a first process generating a response to a request of a second process where the response is based on additional information provided by the second process. Emens fails to disclose a first process generating a response based on additional information provided by a requesting first process.

Without a disclosure or suggestion in Emens relating to (a) a first process requesting additional information from a second pprocess, and (b) the first process generating a response to the first process based on the additional information provided by the second proces, there is no basis for a worker skilled in the art to implement claim 61, 62, 63. Enty of claims 62-64 and allowance thereof are requested.

B. Claims 2, 21 and 40:

Emens blocks objectionable data and allows the remainder. Kaply provides a modified version of the protected data. In any case, Claims 2, 21 and 40 have been amended to depend upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

C. Claims 6, 25, and 44:

Emens describes modifying a file, not creating a file as described in Kaply at page 3, Lines 20 –21. In any case, Claims 6, 25 and 44 have been amended to depend upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

D. Claims 8, 27, and 46:

Emens filters the requested information. Kaply does not filter the requested information. See Page 4, Lines 1 – 8. In any case, Claims 8, 27, and 46 have been amended to depend upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

E. Claims 11-14; 30-33, and 49-52:

The blurring of the file by Emens does not suggest changing the pixel value of the file, as described in Kaply at Page 10, Lines 9 – 20. In any case, Claims 11-14, 30-33 and 49-52 have been amended to depend directly or indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

F. Claims 15, 34 and 53:

The blurring of the file by Emens does not suggest changing the font of the file, as described in Kaply at Page 11, Lines 4 – 12. In any case, Claims 15, 34, and 54 have been amended to depend directly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

G. Claims 16, 35 and 54:

Emens describes pre-set limit for detecting objectionable content. Emens does not describe the server or client requesting additional information from the other as described in Kaply at Page 4, Line 17, continuing to Page 5, Line 6. In any case, Claims 16, 35 and 54 have been canceled and combined with claims 1, 20 and 39, respectively as New claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

H. Claim 58:

Claim 58 includes elements not disclosed in Emens, as follows:

(i) “invoking a response module by the owning application to determine an action(s) to take with regard to the request;”

Emens fails to disclose or suggest a response module determining action to be taken in response to a request for data by a requesting application. Emens discloses in Figures 4A – 4D system architecture which does not include a response module, as described in the specification at page 15, line 7, continuing to page 16, line 8 and shown in Figure 14.

(ii) “invoking a callback module to call the owning application to request a resolution to the access by the requesting module;

Emens fails to disclose a callback module or invoking a callback module to call an owning application to request a resolution to the requesting application, as described in the specification at page 8, lines 8- 20. Figures 4A – 4D do not disclose or suggest a callback module.

The Examiner states it would be obvious for the owning application “to utilize the modified content taught by Emens to suggest means of callback to the requester.” Applicants disclose the callback module calls the owning application not the requesting application.

(iii) “generating a resolution by the response module to the request based upon factors including the type of data involved with the request; the application requesting access; the status of the data of the availability of the data; and other related considerations.”

Emens fails to disclose generating a resolution ... based upon factors including the type of data involved with the request; the application requesting access; the status of the data and availability of the data. Emens discloses generating a modified file based on a composite content rating vector for semantic entries and corresponding ratings in a rating repository. Objectionable content is replaced by image blocks, which may be black rectangles or blurred regions. There is no disclosure in Emens that the composite rating vector takes into account the type of data; the requesting application; the status and availability of the data.

I. Claim 59:

(i) “requesting further information from the requesting application by the response module if necessary; and generating a resolution to the request by the response module.”

Emens fails to disclose an owning application requesting further information from the requesting application as indicated in the consideration of Claims 16, 35, 54.

The Examiner rejects Claim 59 on the same basis as Claim 58 which does not include ‘requesting further information’.

Without a disclosure in Emens relating to the elements of 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, 49-54, 58 and 59, as set forth in the above in paragraphs A - D, a worker skilled in the art would have no teaching to implement claims 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, 49-54, 58 and 59. Withdrawal of the rejection under 35 USC 103 (a) based upon Emens and allowance of claims 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, 49-54, 58 and 59 are requested.

REGARDING PARAGRAPH 6:

Claims 3-4, 9-10, 17-19, 22-23, 28-29, 36-38, 41-42, 47-48 and 55-57 include elements not disclosed in Emens in view of Russell-Falla, as follows:

A. Claims 3-4, 22-23, 41-42:

(i) "The method of claim 2, wherein the modified version of the data comprises data substituted for at least a portion of the protected data or data augmenting the protected data."

Emens fails to disclose substituting data for protected data. Russell-Falla does not supply the missing element in Emens. Russell-Falla at col. 3, lines 21 –30 discloses blocking data or substituting an alternative page. Applicants can find no disclosure in Russell-Fall relating to substituted data, as described in the specification at page 3, lines 10 – 16.

Without a disclosure in Emens in view of Russell-Falla relating to data substituted for at least a portion of the protected data or data augmenting the protected data, a worker skilled in the art would have no teaching to implement claims 3-4, 22-23, 41-42. Withdrawal of the rejection under 35 USC 103 (a0 based upon Emens in view of Russell-Falla and allowance of claims 3-4, 22-23, 41-42 are requested. In any case claims 3-4, 22-23, 41-42 depend indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

B. Claims 9-10, 28-29, 47-48:

(i) "The method of claim 8, wherein the information relating to the request for data identifies a process requesting the data and the received resolution is based on the identified process."

Emens fails to disclose an owning application providing a response to a requesting application where the information in the response is based on a process of the requesting application and the process use. Russell-Falla, at column 3, lines 10 –19, does not supply the missing element in Emens. Russell-Falla blacks out a page or provides an alternative page and does not disclose providing process information or an indicated use of the process information to a requesting application.

Without a disclosure in Emens in view of Russell-Falla relating to providing a response to a requesting application where the information in the response is based on a process of the requesting application and the process use, a worker skilled in the art would have no teaching to implement claims. Withdrawal of the rejection and allowance of claims 9-10, 28-29, 47-48 are requested. In any case claims 9-10, 28-29, 47-48 depend indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

C. Claims 17-19, 36-38,55-57:

(i) "The method of claim 16, wherein the received response to the request for additional information comprises information identifying a process requesting the data."

Emens fails to disclose a received response to a request for additional information identifying a process requesting the data or the use to be made of the data or attributes of the data. Russell- Falla does not supply the missing elements in Emens. Russell-Falla at column 3, lines 10 – 19 discloses a web page comparing ratings of a down-loaded web page to a predetermined threshold rating and blocking the down-loaded web page or substituting an alternative page if the ratings indicates the page may be offensive. Applicants can find no disclosure in Russell-Falla relating to an owning application identifying a process or indicating the use of the data or the attributes of the data in a response to a request for additional information by the owning application.

Without a disclosure in Emens in view of Russell-Falla relating to requesting additional information comprising information identifying a process requesting the data, a worker skilled in the art would have no teaching to implement claims 17-19, 36-38, 55-57. Withdrawal of the rejection under 35 USC 103 (a) based upon Emens in view of Russell-Falla and allowance of claims 17-19, 36-38, 55-57 are requested. In any case claims 17-19, 36-38, 55-57 depend indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

REGARDING PARAGRAPH 7:

Claims 7, 26 45 include elements not disclosed in Emens in view of Tso, as follows

(i) "The method of claim 1, wherein the requested data does not exist and the received resolution comprises a generated version of the requested data."

Emens fails to disclose generating a version of the requested data, which at the time of the request did not exist. Tso, at column 5, line 62, continuing to column 6 line 8 does not supply the missing element in Emens. Tso describes returning requested data or indicating failure, which suggests the data, is already created - not created. as in the case of Kaply,

Without a disclosure in Emens in view of Tso relating to requesting data that does not exist and the received resolution comprises a generated version of the requested data , a worker skilled in the art would have no teaching to implement claims 7, 26 and 45. Withdrawal of the rejection under 35 USC 103 (a) based upon the cited references and allowance of claims 7, 26 and 45 are requested. In any case claims 7, 26 and 45 depend indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

REGARDING PARAGRAPH 8:

Claims 5, 24, and 43 include elements not disclosed in Emens in view of Russell-Falla and in further view of Tso, as follows:

(i) "The method of claim 3, wherein the data augmenting the protected data comprises a copyright notice.

Emens and Russell-Falla fail to disclose including a copyright notice in the augmented returned data. Tso, at column 8, lines 56 –57, does not supply the missing element in Emens and Russell-Falla. Tso scans and flags the text for correct logos. Applicants can find no disclosure in Tso of adding a copyright notice to the requested data.

Without a disclosure in Emens in view of Russell-Falla and in further of view of Tso relating to adding a copyright notice to a protected data area , a worker skilled in the art would have no teaching to implement claims 5, 24 and 43. Withdrawal of the rejection under 35 USC 103 (a) based upon the cited references and allowance of claims 5, 24 and 43 are requested. In any case claims 5, 24 and 43 depend indirectly upon claims 61, 62 and 63, respectively and are patentable on the same basis thereof.

REGARDING PARAGRAPH 10:

Applicants respond to the Examiner's rebuttal arguments, as follows:

1) **"The 'owning application' limitation does not appear in the claims."**

Applicants direct the Examiner's attention to claims 58 and 59 which include the limitation "owning application" and to new claims 61 – 63 which also include the limitation "owning application".

2) **"The reference teaches that when a first modified file is created, either all, some or none of the file will be displayed by a browser to a user at a client computer."**

The modified file is based on factors selected by the server, not additional information provided by the requesting process (client), as described in claims 58, 59, 61 –63.

3) **"The reference suggest several factors, which determine the outcome of a request."**

The factors suggested by the reference relate to the content of the file, not the status or availability of the data, as recited in claim 58.

Summarizing, the cited reference in total teach filtering a file for objectionable content and transmitting to a user a modified file. The combination of references do not teach or suggest to a worker skilled in the art a method of a requesting application accessing data of an owning application in which the data may exist or not exist, and receive a response from the owning application based on additional information provided by the requesting application.

CONCLUSION:

Having combined claims 1, 20 and 39 with related dependent claims 16, 35 and 54 as New Claims 61, 62, 52, respectively to overcome the cited art; amended the remaining dependent claims to depend directly or indirectly upon New Claims 61, 62 and 63, Applicants submit the application is in condition for allowance without requiring a new search. Entry of the amendment and passage to issue of a case are requested.

AUTHORIZATION:

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 09-0447, Order No. AT9-99-140 (1963-7320).

Respectfully submitted
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